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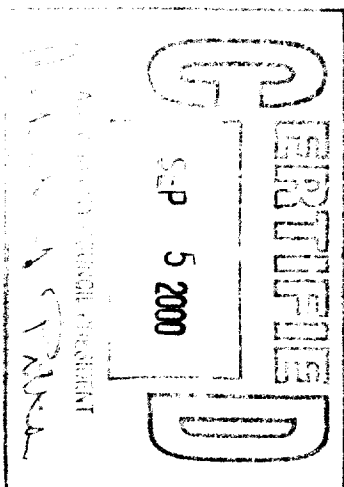
Entered - 03/25/97 - tew
CL97L0144 - DOBBS JORDAN

CLAIM OF: SARAH PATSY CHERRY
54 Fair Oaks Drive
Conyers, Georgia 30208

For damages alleged to have been sustained
as a result of a vehicular accident on
September 14, 1996 at Interstate 20 at the
Ashby Street exit.

THIS ADVERSED REPORT IS
APPROVED

BY: *Rosalind Rubens Newell*
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY
CONSENT AGENDA



REPORT

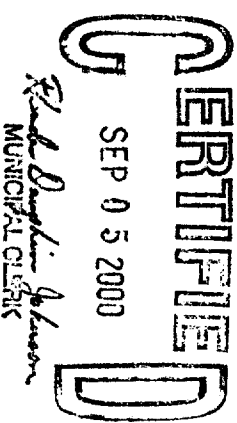
COM. *Public Safety*

DATE *8/15/2000*

CHM. *C. T. McIntyre*

[Signature]

[Signature]



ADVERSED BY
CITY COUNCIL
SEP 05 2000



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

September 18, 2000

Sarah Patsy Cherry
54 Fair Oaks Drive
Conyers, Georgia 30208

00-R-1254

Dear Ms. Cherry:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on September 05, 2000. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Sincerely,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 97L0144

Date: July 21, 2000

Claimant /Victim SARAH PATSY CHERRY

BY: (Atty) _____

Address: 54 Fair Oaks Drive, Conyers, Georgia 30208

Subrogation: _____ Claim for Property damage \$ _____ Bodily Injury \$ not stated

Date of Notice: 03/14/97 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 09/14/96 Place: Interstate 20 at the Ashby Street exit

Department Police Division: _____

Employee involved V. Moore Disciplinary Action: No Action Taken

NATURE OF CLAIM: The claimant alleges that she was involved in a multi-vehicle accident when an Atlanta police officer drove across the traffic lanes in front of the vehicles involved in the subject accident. The investigation determined that traffic had come to a stop to allow the police vehicle to move across the interstate to assist a stranded motorist. However, a privately owned vehicle approaching the stopped traffic failed to stop and collided with the claimant's vehicle and other vehicles. There was no negligence on the part of the City employee in causing this accident.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____

Pictures _____ Diagrams _____ Reports: Police X Dept Report _____ Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____

Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,

INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

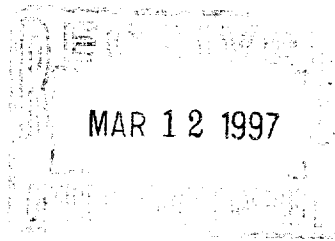
Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____

Claims Manager: _____ Concur/date _____

Committee Action: _____ Council Action _____

RENEHAN & MOODY, P.C.
Lawyers

EDWARD G. RENEHAN
120 BERRY STREET
STOCKBRIDGE, GEORGIA 30281
(770) 474-9444
FAX (770) 474-4980



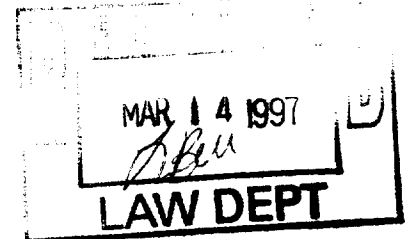
LAW DEPT.

ENTERED - 3/25/97 - tew
97L0144 - ANTHONY G. OATIS

March 7, 1997

Oatis
03-17-97
On
WILLIAM R. MOODY, JR.
118 NORTH AVENUE
SUITE J
JONESBORO, GEORGIA 30236
(770) 603-7282
FAX (770) 603-7312

Bill Campbell, Mayor
City of Atlanta
55 Trinity Avenue SW
Suite 2400
Atlanta, Georgia 30335



Via Certified Mail No. P 571 227 457
Return Receipt Requested

Attention: Atlanta City Council
President-Marvin Arrington
Vern McCarty
Debl Starnes
Michael Bond
Cleta Winslow
Davetta Johnson Mitchell
Mary Davis
Lee Morris
Clair Muller
Jared Samples

Clarence T. Martin, Jr.
Jim Maddox
Gloria Tinubu
Robb Pitts
Carolyn Long Banks
Shella Brown
John O'Callaghan
Doug Alexander
Pamela Alexander

The Atlanta City Council
55 Trinity Ave. SW
Atlanta, Georgia 30335

Re: Ante Litem Notice
Sarah Patsy Cherry
Date of Incident: 9/14/96

To Whom It May Concern:

This firm has been retained to represent Sarah Patsy Cherry for injuries she sustained in a motor vehicle collision which took place on September 14, 1996. This shall serve as Ms. Cherry's presentation of claim against the City of Atlanta as required by O.C.G.A. 36-33-5.

Bill Campbell, Mayor
Page Two
March 7, 1997

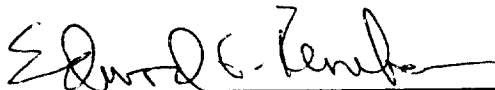
On the above date Ms. Cherry was operating her 1995 Pontiac Transport on I-20 on a westbound direction approximately one-half (1/2) mile west of Exit 19, (Ashby Street). A City of Atlanta police vehicle operated by Officer V. Moore was flagged down by a stranded motorist. Upon being flagged down, he attempted to change lanes. As motorists attempted to stop allowing said Officer to change lanes the vehicle operated by Ms. Cherry was struck from behind by a vehicle being operated by Walter Keith Meherg and owned by Alabama Power Company.

Ms. Cherry was taken from the scene of this collision by ambulance to Grady Memorial Hospital where she received initial treatment for injuries to her neck and back. Ms. Cherry continues to receive medical treatment for these injuries. A copy of the Georgia Uniform Motor Vehicle Accident Report is attached for your information. It is alleged the combined actions of Officer V. Moore and Walter Keith Meherg caused the collision which resulted in Ms. Cherry sustaining injury for which she continues to receive medical care. You are hereby notified of Ms. Cherry's intention to file a claim against the City of Atlanta due to the negligence of Officer V. Moore as well as all other responsible parties which caused or contributed to this collision.

Should you have any questions regarding this claim, please feel free to contact the undersigned at your convenience.

Sincerely,

RENEHAN & MOODY, P.C.

BY: 
Edward G. Renahan

EGR/kw

Enclosure

00- -1254

RCS# 2194
9/05/00
2:17 PM

Atlanta City Council

Regular Session

CONSENT

Pages: 1-12

Adopt

YEAS:	13	SEE ATTACHED LISTING OF ITEMS ADOPTED/ADVERSED ON CONSENT AGENDA
NAYS:	0	
ABSTENTIONS:	0	
NOT VOTING:	3	
EXCUSED:	0	
ABSENT	0	

Y McCarty	Y Dorsey	Y Moore	Y Thomas	ITEM (S) REMOVED FROM <u>CONSENT AGENDA</u> 00-O-1007 00-R-1309
Y Starnes	NV Woolard	Y Martin	Y Emmons	
NV Bond	Y Morris	Y Maddox	Y Alexander	
Y Winslow	Y Muller	Y Boazman	NV Pitts	

CONSENT

09/05/00 Council Meeting	
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
<ol style="list-style-type: none"> 1. 00-O-1102 2. 00-O-1143 3. 00-O-1207 4. 00-O-1295 5. 00-O-1303 6. 00-O-1313 7. 00-O-1124 8. 00-O-1125 9. 00-O-1126 10. 00-O-1127 11. 00-O-1128 12. 00-O-1133 13. 00-O-1196 14. 00-O-1298 15. 00-O-1122 16. 00-O-1300 17. 00-R-1198 18. 00-R-1230 19. 00-R-1290 20. 00-R-1312 21. 00-R-1316 22. 00-R-1265 23. 00-R-1266 24. 00-R-1267 25. 00-R-1268 26. 00-R-1270 27. 00-R-1314 28. 00-R-1229 29. 00-R-1233 30. 00-R-0886 31. 00-R-1236 32. 00-R-1237 33. 00-R-1238 34. 00-R-1239 35. 00-R-1240 36. 00-R-0241 37. 00-R-1242 38. 00-R-1243 39. 00-R-1244 	<ol style="list-style-type: none"> 40. 00-R-1235 41. 00-R-1245 42. 00-R-1246 43. 00-R-1247 44. 00-R-1248 45. 00-R-1249 46. 00-R-1250 47. 00-R-1251 48. 00-R-1252 49. 00-R-1253 50. 00-R-1254 51. 00-R-1255 52. 00-R-1256 53. 00-R-1257 54. 00-R-1258 55. 00-R-1259 56. 00-R-1260 57. 00-R-1261 58. 00-R-1262 59. 00-R-1263 60. 00-R-1264